

07/2008

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

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SEP 24 2018  
WATER RESOURCES  
WESTERN REGION

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, and 42-222, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Application for Permit No. 63-34403 in the name of Cat Creek Energy, LLC

2. Name of protestant SUEZ Water Idaho Inc.

3. Protestant's Representative for service (If different than protestant)

Michael P. Lawrence and Christopher H. Meyer, Givens Pursley LLP

4. Service mailing address 601 W. Bannock Street, Boise, ID 83702

5. Service telephone no. 208-388-1200 Email Address: mpl@givenspursley.com  
chm@givenspursley.com

6. Basis of protest (including statement of facts and law upon which the protest is based)

See Attachment A

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? See Attachment A

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 24<sup>th</sup> day of September, 20 18

Protestant

amopc  
Protestant's Representative

W046787  
Received by RN

ORIGINAL

**Attachment A**

to SUEZ Water Idaho Inc.'s Notice of Protest to  
Application for Permit No. 63-34403 in the name of Cat Creek Energy, LLC

**Item 6. Basis of Protest:** The Application's intent and its relationship with other projects is unclear. Notably, there appears to be a connection between this Application and Elmore County's application for permit no. 63-34348, which is proposed from the same source. SUEZ understands that the Applicant and Elmore County have entered, or may enter, an agreement whereby the Applicant's project is used to divert water out of Basin 63 for beneficial use in another basin, which is unacceptable to SUEZ and is contrary to Idaho law. Accordingly, for this and other reasons, it is unclear that the Application conforms to applicable statutes and regulations, or satisfies the criteria for approval set forth in Idaho Code § 42-203A(5). SUEZ also has an interest in ensuring that the Application is consistent with the pending settlement of the Basin 63 refill litigation and that any condition or other provision regarding refill priority is proper under Idaho law. SUEZ reserves the right to identify additional questions and concerns as further information becomes available.

**Item 7. Potential resolution of Protest:** A demonstration and commitment that the proposed diversion and use of water under the Applicant's project will occur only in Basin 63 and will not otherwise support or facilitate other inter-basin transfers.